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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

THOMAS FERNANDEZ, LORA SMITH and TOSHA THOMAS, individually and on behalf of a class of all others similarly situated,	) Case No. C06-07339 CW
)
	) DEFENDANTS K-M INDUSTRIES
	) HOLDING CO., INC., K-M
	) INDUSTRIES HOLDING CO. INC.
Plaintiffs,	) ESOP PLAN COMMITTEE AND CIG
	) ESOP PLAN COMMITTEE'S
v.	) ADMINISTRATIVE MOTION TO
	) FILE PORTIONS OF COMBINED
K-M INDUSTRIES HOLDING CO., INC., <i>et al.</i>,	) REPLY MEMORANDUM UNDER
	) SEAL
)
Defendants.	) CIVIL LOCAL RULE 79-5(b) and (c)

Pursuant to Local Rules 7-11 and 79-5(b) and (c), defendants K-M Industries Holding Co., Inc., K-M Industries Holding Co., Inc. ESOP Plan Committee and CIG ESOP Plan Committee (“KMH defendants”) hereby move this Court for an order permitting defendants to file portions of their Combined Reply in Support of Defendants’ Motions for Summary Judgment under seal.

This application is made because certain information in said Combined Reply is either privileged or confidential, or both, as set out in more detail in the Declaration of Terence F. Young in Support of KMH Defendants' Administrative Motion to File Portions of Combined Reply Under

1 Seal, filed and served herewith. Defendants have electronically filed a redacted version of the
2 Combined Reply memorandum. Pursuant to Local Rule 79-5(b) and (c), defendants also have
3 lodged an unredacted version of the Combined Reply, with the sealable portions of the document
4 properly highlighted, with the Clerk of the Court. Defendants have served plaintiffs and the other
5 defendants with unredacted versions of the document by electronic and/or hand delivery.

6 Dated: July 17, 2008

Respectfully submitted,

LOVITT & HANNAN, INC.

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9 By: 

Terence F. Young

10 Attorneys for Defendants K-M Industries
11 Holding Co., Inc.; K-M Industries Holding Co.,
12 Inc. ESOP Plan Committee; and CIG ESOP
13 Plan Committee
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